

1 Michele R. Stafford, Esq. (SBN 172509)
Matthew P. Minser, Esq. (SBN 296344)
2 Tino X. Do, Esq. (SBN 221346)
SALTZMAN & JOHNSON LAW CORPORATION
3 1141 Harbor Bay Parkway, Suite 100
Alameda, CA 94502
4 (510) 906-4710
mstafford@sjlawcorp.com
5 mminser@sjlawcorp.com
tdo@sjlawcorp.com
6

7 Attorneys for Plaintiffs, Operating Engineers' Health
and Welfare Trust Fund For Northern California, et al.

8 UNITED STATES DISTRICT COURT
9
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 OPERATING ENGINEERS' HEALTH AND
12 WELFARE TRUST FUND FOR NORTHERN
13 CALIFORNIA, et al.,

14 Plaintiffs,

15 v.

16 TKO GENERAL ENGINEERING AND
CONSTRUCTION, a California Corporation;
17 and TIM K. ODEN, an individual,

18 Defendants.

Case No.: C18-01939 KAW

**PLAINTIFFS' REQUEST FOR FURTHER
EXTENSION OF TIME TO SERVE
DEFENDANTS; DECLARATION OF TINO
X. DO IN SUPPORT THEREOF;
~~[PROPOSED]~~ ORDER THEREON**

19 Pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, Plaintiffs respectfully
20 request that the Court issue an Order further extending the time to complete service of the Summons
21 and Complaint on Defendants by approximately thirty (30) to sixty (60) days. Good cause exists for
22 the granting of this additional extension, as follows:

23 1. Plaintiffs filed their Complaint against Defendant Tim K. Oden, an individual, and
24 Defendant TKO General Engineering and Construction, a California Corporation (collectively
25 "Defendants"), on March 29, 2018. (Dkt. # 1.)

26 2. Our office retained the services of a process server to effect service on Defendants.
27 The process server made multiple attempts to serve Defendant Tim K. Oden as the designated Agent
28 for Service of Process for Defendant TKO General Engineering and Construction, Inc. at the address

**REQUEST FOR FURTHER EXTENSION OF TIME TO SERVE DEFENDANTS; DECL. OF TINO X. DO IN
SUPPORT THEREOF; [PROPOSED] ORDER THEREON**

1 listed on the California Secretary of State's Business Entity database, 121 Beverly Drive, San
2 Carlos, CA 94070 ("121 Beverly Drive"). The process server was unsuccessful in effecting either
3 personal service or substituted service, and was advised by the current tenant that they had lived at
4 the address for a long time, and that they did not know Mr. Oden.

5 3. Plaintiffs' process server also made unsuccessful attempts to serve Defendants at
6 other locations with which Defendants were connected, such as:

- 7 • 1250 Carlton Avenue, Menlo Park, CA 94025 (advised by individual who answered
8 the door that the Defendant Tim K. Oden owned the residence but did not reside in
9 the home);
- 10 • 12750 Old La Honda Road, Woodside, CA 94062 (advised by individual who
11 answered the door that Mr. Oden had been the previous occupant, and did not know
12 his whereabouts);
- 13 • 147 La Honda Road, Redwood City, CA 94062 (advised by individual who answered
14 the door that Mr. Oden does not live there and they are renting the home);
- 15 • 127 Hazel Ave., Redwood City, CA 94601 (advised by individual who answered the
16 door that Mr. Oden does not live there and that he lives somewhere in La Honda);
17 and
- 18 • 12750 La Honda Rd., Redwood City, CA 94062 (unable to effect personal or
19 substituted service).

20 4. Plaintiffs also retained the services of a private investigator to attempt to effectuate
21 service on the Defendants. On August 28, 2018, Plaintiffs' private investigator attempted to serve
22 Defendants at the address 12755 Williams Ranch Road, La Honda, CA. Plaintiffs' private
23 investigator informed Plaintiffs that he made contact with a man he believed to be Mr. Oden, and
24 that he was unable to serve the documents due to being chased off the property by a man with a
25 firearm.

26 5. On August 28, 2018 (after the incident described above), Mr. Oden emailed our
27 office, stating that he continued to disagree with the findings of the audit upon which Plaintiffs base
28 their demands, and requested an opportunity to speak with the auditor. Our office is currently

1 attempting to schedule a conference call between our office, Mr. Oden and the auditor to address
2 Mr. Oden's concerns.

3 6. Although Plaintiffs have been diligent in their attempts to serve Defendants, service
4 could not be accomplished to date. Plaintiffs respectfully request that the Court issue an Order
5 extending the time for service of the Summons and Complaint for a period of thirty (30) to sixty
6 (60) days to allow additional time for Plaintiffs to attempt to informally resolve the matter with
7 Defendants, and if that is not successful, to attempt final efforts to serve Defendants. If Defendants
8 cannot be located, Plaintiffs will file an ex parte application for alternate service.

9 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
10 entitled action, and that the foregoing is true of my own knowledge.

11 Executed this 29th day of August, 2018, at Alameda, California.

12
13 SALTZMAN & JOHNSON LAW
14 CORPORATION

15 By:

16 /S/

17 Tino X. Do
18 Attorneys for Plaintiffs, Operating Engineers'
19 Health and Welfare Trust Fund, et al.

20 IT IS SO ORDERED.

21 The time limit for service of the Summons and Complaint in this action is hereby extended
22 to November 2, 2018.

23 DATED: 9/4, 2018

24 *Kandis Westmore*
25 UNITED STATES MAGISTRATE JUDGE
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